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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/693,718	10/24/2003	Kcrem B. Karatal	MS1-1792US	2200

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EXAMINER
DAO, THUY CHAN

ART UNIT	PAPER NUMBER
2192	

SHORTENED STATUTORY PERIOD OF RESPONSE	NOTIFICATION DATE	DELIVERY MODE
3 MONTHS	01/24/2007	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Notice of this Office communication was sent electronically on the above-indicated "Notification Date" and has a shortened statutory period for reply of 3 MONTHS from 01/24/2007.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

lhptoms@leehayes.com

	Application No.	Applicant(s)
Office Action Summary	10/693,718	KARATAL ET AL.
	Examiner	Art Unit	
	Thuy Dao	2192	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _03_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _24 October 2003_.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-42_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-42_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on _24 October 2003_ is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _02/20/04_.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application

6)☐ Other: _____ .

DETAILED ACTION

1. This action is responsive to the application filed on October 24, 2003.

2. Claims 1-42 have been examined.

Priority

3. The priority date considered for this application is October 24, 2003.

Information Disclosure Statement

4. The Office acknowledges receipt of the Information Disclosure Statement filed on February 20, 2004. It has been placed in the application file and the information referred to therein has been considered by the examiner.

Specification

5. The disclosure is objected to because of the following informalities: US Patent Application Numbers are missing (e.g., pages 24 and 26).

Appropriate correction is required.

Claim Rejections – 35 USC §112, 2nd paragraph

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 15 and 18-19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 15 and 18-19:

Claims 15 and 18-19 contain the trademark/trade name WINDOWS.TM.. Where a trademark or trade name is used in a claim as a limitation to identify or describe a particular material or product, the claim does not comply with the requirements of 35 U.S.C. 112, second paragraph. See *Ex parte Simpson*, 218 USPQ 1020 (Bd. App.

1982). The claim scope is uncertain since the trademark or trade name cannot be used properly to identify any particular material or product. A trademark or trade name is used to identify a source of goods, and not the goods themselves. Thus, a trademark or trade name does not identify or describe the goods associated with the trademark or trade name.

Under the principles of compact prosecution, claims 15 and 18-19 have been examined as the Examiner anticipates the claims will be amended to obviate these 35 USC §112, second paragraph rejections (i.e., without the phrases containing trademark/trade name WINDOWS.TM.).

Claim Rejections – 35 USC § 101

8. 35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

9. Claims 1-5 are directed to a programming interface embodied on one or more computer readable medium, which may include "...*a modulated data signal, such as carrier wave ...*" (e.g., page 54, lines 10-19).

A computer readable medium product is a tangible physical article or object, some form of matter, which a signal is not. That the other two product classes, machine and composition of matter, require physical matter is evidence that a manufacture was also intended to require physical matter. A signal, a form of energy, does not fall within either of the two definitions of manufacture. Thus, a signal does not fall within one of the four statutory classes of Sec. 101.

Under the principles of compact prosecution, claims 1-5 have been examined as the Examiner anticipates the claims will be amended to obviate these 35 USC §101 issues. For example, - -A programming interface embodied on one or more computer readable <u>storage</u> media...- - as defined in the specification, page 53: 24 – page 54: 9).

10. Claims 1-28 are directed to nonfunctional descriptive material that does not constitute a statutory process, machine, manufacture, or composition of matter.

Claims 1-5:

Claims 1-5 are directed to an arrangement or compilation of groups of software services comprised in a programming interface without any functional interrelationship, i.e. nonfunctional descriptive material, and not a process, machine, manufacture, or composition of matter – see MPEP 2106.01(II).

Claims 6-11:

Claims 6-11 are directed to means, i.e., software program, for exposing several sets of software functions without any functional interrelationship, i.e., nonfunctional descriptive material, and also not a process, machine, manufacture, or composition of matter – see MPEP 2106.01(II).

Claims 12-21:

Claims 12-21 are directed to a method for organizing a set of software functional types into a hierarchical namespace without any functional interrelationship, i.e., nonfunctional descriptive material, and not a practical application that produces a useful, concrete, and tangible result, e.g., a useful, concrete, and tangible result as recited in claims 14 and 17 – see MPEP 2106(IV)(C)(2)(2).

Claims 22-28:

Claims 22-28 are directed to a method for creating software namespaces (before actually being used) without any functional interrelationship, i.e., nonfunctional descriptive material, and not a practical application that produces a useful, concrete, and tangible result, e.g., a useful, concrete, and tangible result as recited in claims 24 and 26-28 – see MPEP 2106(IV)(C)(2)(2).

Claim Rejections – 35 USC § 102

11. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

12. Claims 1-11 and 29-42 are rejected under 35 U.S.C. 102(e) as being anticipated by US Patent No. 7,020,697 B1 to Goodman et al. (hereinafter "Goodman").

Claim 1:

Goodman discloses *a programming interface* (e.g., FIG. 39, Applications Program Interface 840, col.119: 53 – col.120: 10) *embodied on one or more computer readable storage media, comprising:*

a first group of services related to re-usable user interface controls (e.g., FIG. 20, Repository Management Services 570, col.19: 33 – col.21: 44; col.8: 18-48);

a second group of services related to user interface dialogs and user interface wizards (e.g., FIG. 20, Folder Management Services 572, col.21: 44 – col.22: 24; FIG. 8, Directory Services 188, col.94: 9-60);

a third group of services related to extending the user interface functionality (e.g., col.74: 13-23; col.26: 55 – col.27: 13; col.86: 41-56); *and*

a fourth group of services related to extending functionality of a desktop of the user interface (e.g., FIG. 6, Desktop Manager 130, col.72: 24-51; col.72: 43-51).

Claim 2:

The rejection of claim 1 is incorporated. Goodman also discloses *the first group of services includes a first control that encapsulates a storage user experience; a second control that allows an item to be displayed in an application-defined manner; a*

third control that allows items to be added to a sidebar of the desktop; a fourth control that allows items to be added to a list; and a fifth control that allows preview images of items to be displayed (e.g., FIG. 20, Repository Management 570, col.19: 33 – col.21: 44; col.8: 18-48).

Claim 3:

The rejection of claim 1 is incorporated. Goodman also discloses *the second group of services includes: a first dialog to allow files and folders to be opened and saved; a first wizard to allow optical discs to be written to; and a second wizard to facilitate sending images by electronic mail* (e.g., FIG. 20, Folder Management Services 572, col.21: 44 – col.22: 24; FIG. 8, Directory Services 188, col.94: 9-60; col.104: 43-61; col.22: 59 – col.23: 3; col.93: 64 – col.94: 16).

Claim 4:

The rejection of claim 1 is incorporated. Goodman also discloses *the third group of services includes: a first functionality to allow additions to context menus; a second functionality to allow identification of application-defined thumbnails; and a third functionality to allow calculations to be performed when displaying information regarding one or more files or folders* (e.g., col.74: 13-23; col.26: 55 – col.27: 13; col.86: 41-56; col.75: 51 – col.76: 22).

Claim 5:

The rejection of claim 1 is incorporated. Goodman also discloses *the fourth group of services includes: a first functionality to allow a sidebar to be displayed on the desktop; and a second functionality to allow application-defined notifications to be displayed on the desktop* (e.g., FIG. 6, Desktop Manager 130, col.72: 24-51; col.72: 43-51).

Claims 6-11:

Claims 6-11 are system versions, which recite the same limitations as those of claims 1-5, wherein all claimed limitations have been addressed and/or set forth above. Therefore, as the reference teaches all of the limitations of the above claims, it also teaches all of the limitations of claims 6-11.

Claims 29-35:

Claims 29-35 recite the same limitations as those of claims 1-5, wherein all claimed limitations have been addressed and/or set forth above. Therefore, as the reference teaches all of the limitations of the above claims, it also teaches all of the limitations of claims 29-35.

Claims 36-42:

Claims 36-42 recite the same limitations as those of claims 1-5, wherein all claimed limitations have been addressed and/or set forth above. Therefore, as the reference teaches all of the limitations of the above claims, it also teaches all of the limitations of claims 36-42.

Claim Rejections – 35 USC § 103

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

14. Claims 12-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goodman in view of US Patent No. 6,968,438 to Russo et al. (hereinafter "Russo").

Claim 12:

Goodman discloses *a method of organizing a set of types for a user interface into a hierarchical namespace comprising:*

creating a plurality of groups from the set of types, each group containing at least one type that exposes logically related functionality, assigning a name to each group in the plurality (e.g., FIG. 10, groups of services, col.101: 43 – col.102: 14; FIG. 19, groups of services, col.16: 39-51; FIG. 37, groups of components, col.118: 24-49),

wherein one of the groups in the plurality includes functionality related to re-useable user interface controls (e.g., FIG. 20, Repository Management Services 570, col.19: 33 – col.21: 44; col.8: 18-48)*, and*

wherein another of the groups in the plurality includes functionality related to re-useable user interface dialogs and re-useable user interface wizards (e.g., FIG. 20, Folder Management Services 572, col.21: 44 – col.22: 24; FIG. 8, Directory Services 188, col.94: 9-60).

Goodman does not explicitly disclose *selecting a top level identifier and prefixing the name of each group with the top level identifier so that the types in each group are referenced by a hierarchical name that includes the selected top level identifier prefixed to the name of the group containing the type.*

However, in an analogous art, Russo further discloses *selecting a top level identifier and prefixing the name of each group with the top level identifier so that the types in each group are referenced by a hierarchical name that includes the selected top level identifier prefixed to the name of the group containing the type* (e.g., col.11: 46 – col.12: 2).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to combine the teaching of Russo into that of Goodman. One would have been motivated to do so to avoid namespace collision and conflict names as suggested by Russo (e.g., col.11: 46 – col.12: 14).

Claims 13-21:

The rejection of base claim 12 is incorporated. Claims 13-21 are method versions, which recite the same limitations as those of claims 1-5, wherein all claimed limitations have been addressed and/or set forth above. Therefore, as the reference

teaches all of the limitations of the above claims, it also teaches all of the limitations of claims 13-21.

Claims 22-28:

Claims 22-28 recite the same limitations as those of claims 1-5 and 12, wherein all claimed limitations have been addressed and/or set forth above. Therefore, as the reference teaches all of the limitations of the above claims, it also teaches all of the limitations of claims 22-28.

15. Claims 12-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goodman in view of US Patent No. 6,094,706 to Factor et al. (hereinafter "Factor").

Claim 12:

Goodman discloses *a method of organizing a set of types for a user interface into a hierarchical namespace comprising:*

creating a plurality of groups from the set of types, each group containing at least one type that exposes logically related functionality, assigning a name to each group in the plurality (e.g., FIG. 10, groups of services, col.101: 43 – col.102: 14; FIG. 19, groups of services, col.16: 39-51; FIG. 37, groups of components, col.118: 24-49),

wherein one of the groups in the plurality includes functionality related to re-useable user interface controls (e.g., FIG. 20, Repository Management Services 570, col.19: 33 – col.21: 44; col.8: 18-48), *and*

wherein another of the groups in the plurality includes functionality related to re-useable user interface dialogs and re-useable user interface wizards (e.g., FIG. 20, Folder Management Services 572, col.21: 44 – col.22: 24; FIG. 8, Directory Services 188, col.94: 9-60).

Goodman does not explicitly disclose *selecting a top level identifier and prefixing the name of each group with the top level identifier so that the types in each group are referenced by a hierarchical name that includes the selected top level identifier prefixed to the name of the group containing the type.*

However, in an analogous art, Factor further discloses *selecting a top level identifier and prefixing the name of each group with the top level identifier so that the types in each group are referenced by a hierarchical name that includes the selected top level identifier prefixed to the name of the group containing the type* (e.g., FIG. 1: col.2: 14-36; col.1: 64 – col.2: 13; col.3: 7-66).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to combine the teaching of Factor into that of Goodman. One would have been motivated to do so to provide a namespace resolution, minimize it by prefix caching for application programming interface (API) functions as suggested by Factor (e.g., col.1: 64 – col.2: 13; col.4: 4-49).

Claims 13-21:

The rejection of base claim 12 is incorporated. Claims 13-21 are method versions, which recite the same limitations as those of claims 1-5, wherein all claimed limitations have been addressed and/or set forth above. Therefore, as the reference teaches all of the limitations of the above claims, it also teaches all of the limitations of claims 13-21.

Claims 22-28:

Claims 22-28 recite the same limitations as those of claims 1-5 and 12, wherein all claimed limitations have been addressed and/or set forth above. Therefore, as the reference teaches all of the limitations of the above claims, it also teaches all of the limitations of claims 22-28.

Conclusion

16. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

US Patent No. 7,093,038 B2 discloses a Virtualization Acceleration Application Programming Interface (VAAPI) which is interposed between a hardware layer and a software layer, and grouped by prefixes (col.6 – col.13).

17. Any inquiry concerning this communication should be directed to examiner Thuy Dao (Twee), whose telephone is (571) 272 8570. The examiner can normally be reached on Monday, Tuesday, Thursday, and Friday from 6:00AM to 4:30PM.
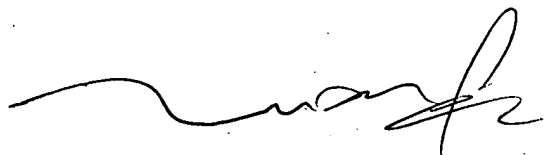
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Q. Dam, can be reached at (571) 272 3695.

The fax phone number for the organization where this application or proceeding is assigned is (571) 273 8300.

Any inquiry of a general nature of relating to the status of this application or proceeding should be directed to the TC 2100 Group receptionist whose telephone number is (571) 272 2100.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

T. Dao

TUAN DAM
SUPERVISORY PATENT EXAMINER